

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA AT OMAHA

In Re:)	
)	
Dannie L. Bennett, Jr aka Dannie Lee Benett, Jr aka Dan)	
Bennett, Jr. and Maria J. Bennett aka Maria DeJesus Bennett)	Case No. 23-80623-bsk
aka Maria Jesus Bennett, <i>Debtor</i>)	
)	Chapter: 7
BMO Bank N.A., <i>Creditor</i>)	
)	
vs.)	
)	
Dannie L. Bennett, Jr aka Dannie Lee Benett, Jr aka Dan)	
Bennett, Jr. and Maria J. Bennett aka Maria DeJesus Bennett)	
aka Maria Jesus Bennett, <i>Debtor</i>)	
)	
and)	
)	
Philip M. Kelly, <i>Trustee</i>)	

AFFIDAVIT OF DEFAULT AND FAILURE TO CURE

Comes Now, BMO Bank N.A., by Dovenmuehle Mortgage Co., by and through its attorney of record, Hunter C. Gould of SouthLaw, P.C., and request the Clerk, pursuant to Rule Fed. R. Bankr. P. 4001; Neb. Bankr. Rule 9019-1(c); and 11 U.S.C. §362(d), to enter default against Dannie L. Bennett, Jr, and Maria J. Bennett, in the above title action for failure to plead, answer or otherwise defend as set forth below:

1. The parties entered into a Conditional Order Granting Relief from the Automatic Stay with Curative Provisions on March 29, 2024, which required the Debtor to make certain payments in addition to the regular ongoing mortgage payment.

2. The Debtor failed to comply with the terms of the Conditional Order and is in default thereof.

3. Creditor sent a Letter of Default to Debtor, Debtor's Counsel, and the Chapter 13 Trustee on December 13, 2024. Debtor failed to cure the default within ten (10) days.

4. Cause exists pursuant to 11 U.S.C §362(d) to lift the Automatic Stay

Creditor is entitled to immediate relief from the automatic stay of 11 U.S.C. §362 without the necessity of further hearing.

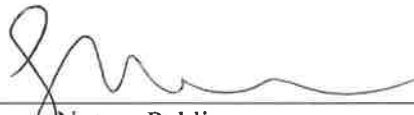
SOUTHLAW, P.C.



Steven L. Crouch (MBE #37783; EDMO #2903; KSfd #70244)
Wendee Elliott-Clement (MBE #50311)
Daniel A. West (MBE#48812; EDMO #98415; KSfd#70587)
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ATTORNEYS FOR CREDITOR

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

The foregoing instrument was acknowledged before me this 30 day of Dec, 2024 by:



Notary Public